W.P. No. 809 of 2002 (S/B)

Hon'ble M.M. Ghildiyal, J.

Heard Sri C.D. Bahuguna, learned counsel for the petitioner and learned Standing Counsel for the respondents.

The petitioner, who is Lecturer in the education Department, has challenged the transfer order by which he was transferred from Lalkuan to Didihat, District Pithoragarh.

Grounds for challenging the order is that the petitioner has been transferred within six months from Lalkuan and again he is a handicapped person. The transfer order was stayed by the High Court and the petitioner, at present, is teaching at G.I.C. Lalkuan. He has moved representation on 03.05.2004 before the Joint Director of Education, Kumaun Division to consider his case sympathetically.

In view of the fact that the petitioner is an handicapped person and further he was transferred to Lalkuan only six months back; he has made a representation before the competent authority to either post him at Rajpura, Haldwani or any other suitable place.

Since the representation of the petitioner is pending before the Joint Director of Education, therefore, while considering the annual transfers, the Joint Director of Education shall decide the representation of the petitioner. Till the annual transfer list is published, the petitioner shall not be relieved from the institution where he is working.

With these directions, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

29.05.2004
NCM: